

Appln No. 10/582,302
Amdt date June 9, 2010
Reply to Office action of March 16, 2010

REMARKS/ARGUMENTS

Claims 42-44, 46-50, 52-80 are pending, of which claims 62, 63 and 76 are withdrawn from consideration. Claims 42-44, 46-50, 52, 59, 60, 63-65 and 75 are amended and claims 45 and 51 are cancelled.

Claims 42-49, 50-60 and 77-80 rejected under 35 U.S.C. 102(e) as being anticipated by Katsuda (U.S. 2005/0003323); Claims 61 and 64-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuda in view of Nakanishi (U.S. Patent No. 6,607,384). Applicant submits that all of the claims currently pending in this application are patentably distinguishable over the cited references for the following reasons, and reconsideration and allowance of this application are respectfully requested.

The added limitations to the amended claim 42 were originally in the dependent claims 45 and 51, which were searched already. Therefore, a new search is NOT required and consequently, Applicant has not filed a Request for Continued Examination (RCE).

Amended independent claim 42 includes, among other limitations, "an instrument having a forward end equipped with a treatment tool for treating a lesion in an oral cavity," "a light radiating unit having a first light source for emitting an excitation light and a second light source for emitting a white light into said oral cavity," and "wherein said light radiating unit is configured to radiate said excitation light or said white light by switching lighting between said first light source and said second light source, or configured to variably adjust a light emission level of at least one of said first light source and said second light source." Katsuda does not teach the above limitations.

First, Katsuda does not teach "a treatment tool for treating a lesion in an oral cavity." Rather, Katsuda discloses a camera (image sensing device) for sensing fluorescence from an object being diagnosed. The "instrument" of Katsuda is NOT used for treatment. Although, "the diagnostic imaging apparatus A may be constructed to be used as a photo polymerization radiator with blue LED as a luminous means (paragraph [0156]), there is no disclosure about the

Appln No. 10/582,302
Amdt date June 9, 2010
Reply to Office action of March 16, 2010

apparatus being a treatment device, because neither diagnostic, nor "photo polymerization radiator" can be construed as a "treatment tool."

Second, Katsuda does not disclose "a first light source for emitting excitation light and a second light source for emitting white light into said oral cavity." Katsuda discloses three kinds of LEDs, white LEDs 2a, infrared LEDs 2b, and ultraviolet LEDs 2c, none of which can be construed as "a first light source for emitting excitation light and a second light source for emitting white light," as required by claim 1. (See, for example, the cited paragraph [0111]).

Third, Katsuda does not teach "wherein said light radiating unit is configured to radiate said excitation light or said white light by switching lighting between said first light source and said second light source, or configured to variably adjust a light emission level of at least one of said first light source and said second light source." As described above, Katsuda does not teach "a first light source for emitting excitation light and a second light source for emitting white light." Consequently, Katsuda does not disclose "switching lighting between said first light source [excitation light] and said second light source [white light]," neither does it disclose "variably adjust[ing] a light emission level of at least one of said first light source [excitation light] and said second light source [white light])."

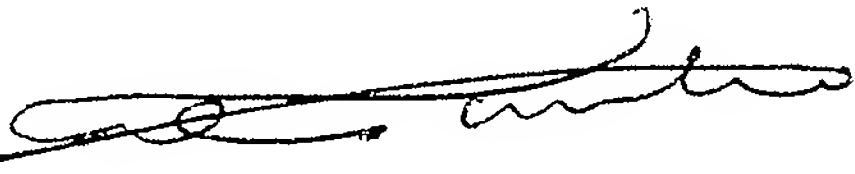
As a result, for at least any of the above-mentioned three reasons, amended claim 42 is not anticipated by Katsuda and is therefore patentable over the cited references.

Dependent claims 43-44, 46-50, 52-80 are dependent from allowable independent claim 42 and therefore include all the limitations of the allowable claim 42 and additional limitations therein. Accordingly, claims 43-44, 46-50, 52-80 are also allowable over the cited references, as being dependent from an allowable independent claim 42, and for the additional limitations they include therein.

Appln No. 10/582,302
Amdt date June 9, 2010
Reply to Office action of March 16, 2010

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 

Raymond R. Tabandeh
Reg. No. 43,945
626/795-9900

RRT/clv

CLM PAS905119.1-* -06/9/10 12:19 PM